Attorney Docket # 4925-64PCE

$A P 7 2 1 4 9$

Patent

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jukka HEISKA

Serial No.:    09/699,863

Filed:  October 30, 2000

For:    Content Converter Portal

Examiner:  Mauro Jr., T. J.
Group Art: 2143

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## APPEAL BRIEF

Sir:

This is an appeal, pursuant to 37 C.F.R. § 41.37 from the decision of the Examiner in the above-identified application, as set forth in the Final Office Action wherein the Examiner finally rejected appellant's claims. The rejected claims are reproduced in the Appendix A attached hereto. A Notice of Appeal was filed on November 9, 2006.

The fee of $500.00 for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20 is submitted herewith. Appellants requests a one-month Extension of Time of the original shortened statutory response period to file this Appeal Brief. A Petition for the one month extension of time is enclosed herewith along with the fee of $120. Any additional fees or charges in connection with this application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

## REAL PARTY IN INTEREST

The assignee, Nokia Corporation, of applicant, Jukka HEISKA, is the real party of interest in the above-identified U.S. Patent Application.

## RELATED APPEALS AND INTERFERENCES

There are no other appeals and/or interferences related to the above-identified application at the present time.

## STATUS OF CLAIMS

Claims 1-7 have been cancelled. Claims 8-23 stand rejected under 35 U.S.C. §103(a). Claims 8-23 are on appeal.

## STATUS OF AMENDMENTS

There have been no Amendments filed subsequent to the Final Office Action.

## SUMMARY OF THE CLAIMED SUBJECT MATTER

The invention with respect to claim 8 comprises an apparatus for providing data services to mobile devices in a system comprising a data network, at least one content server (content provider 300) accessible via the data network (network 30), at least one gateway (WAP Provider 200, 210) for accessing the data network, a mobile telephone network (network 10) for communicating between the mobile devices and said at least one gateway, and a content converter (converter 400) separate from the at least one gateway, separate from the at least one content server, and connected to the data network, the apparatus comprising: a data store (database 402, 404) associated with the

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content converter for storing indications of the characteristics of each terminal device (page 7, lines 14-19); receiving means at the content converter for receiving content for a particular mobile terminal from said at least one content server, said at least one content server being connected to the data network so that said content converter is directly accessible by said at least one content server through the data network bypassing said at least one gateway (page 7, lines 1-3) ; logic for adjusting content for the particular mobile terminal in the content converter according to the stored characteristics of the mobile terminal (page 8, lines 4-6); and sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal (page 8, lines 6-8).

The invention with respect to claim 15 comprises a system for converting a mark-up language file into a format for presentation on a mobile terminal comprising: a content server (content provider 300) connected to a wide area network (WAN) (Internet 20) for transmitting a mark-up language file over said WAN (page 6, lines 14-18); a content converter (converter 400) connected to said WAN for receiving the mark-up language file over said WAN from the content server, for converting said mark-up language file into a format appropriate for a mobile terminal, and for transmitting the converted mark-up language file over the WAN (page 7, lines 1-3, 20-21); and a gateway (WAP provider 200, 210) between the WAN and a mobile telephone network (network 10) for receiving the converted mark-up language file from the content converter over the WAN and for transmitting the converted mark-up language file over the mobile telephone network to the mobile terminal (page 6, lines 9-10, page 7, lines 7-13); wherein said content converter is separate and distinct from said content server and from said gateway such that said content converter is directly accessible by said content server through said WAN bypassing said gateway (page 6, lines 1-18); and wherein said content converter accesses a database storing the

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characteristics of the mobile terminal in order to convert the mark-up language file into a format appropriate for the mobile terminal (page 7, lines 14-19).

The invention with respect to claim 16 comprises a method for providing data services to mobile devices in a system comprising a data network (Internet 20), at least one content server (content provider 300) accessible via the data network, at least one gateway (WAP provider 200, 210) for accessing the data network, a mobile telephone network (network 10) for communicating between the mobile devices and said at least one gateway, and a content converter (converter 400) separate from the at least one gateway, separate from the at least one content server, and connected to the data network, said method comprising the steps of: storing, in the content converter, indications of the characteristics of each terminal device; receiving, at the content converter, content for a particular mobile terminal from said at least one content server directly through the data network, bypassing the at least one gateway (page 7, lines 14-19); adjusting, at the content converter, the received content for the particular mobile terminal according to the stored characteristics of the particular mobile terminal (page 8, lines 4-6); and sending the adjusted content from the content converter to the at least one gateway through the data network for forwarding to the particular mobile terminal (page 8, lines 6-8).


**GROUNDS OF REJECTION TO BE REVIEWED IN APPEAL**

1.      Whether claims 8-23 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,901,437 (Li) in view of WO 00/39666 (Carlino).

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## ARGUMENT

### Group I (Claims 8-23)

#### 1. Claims 8, 15, and 16

Independent claim 8 is drawn to an apparatus for providing data services to mobile devices and recites "a data store associated with the content converter for storing indications of the characteristics of each terminal device", "logic for adjusting content for the particular mobile terminal in the content converter according to the stored characteristics of the mobile terminal", and "sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal", the gateway being between the data network and a mobile telephone network.

The Examiner in the present application has failed to establish a *prima facie* case of obviousness because one of the criteria for establishing a *prima facie* of obviousness is that the prior art references must teach or suggest all the claims limitations.

The combined teachings of Li and Carlino fail to teach or suggest an apparatus with logic for converting information and sending means for routing the adjusted content through the data network, as recited in independent claim 8. The combined teachings of Li and Carlino fail to teach or suggest that adjusted content is sent over the data network.

Li discloses a mobile cache for dynamically composing user-specific information. According to Li, a wireless device 102 couples to the mobile cache 100 via a mobile network 104 connected to a WAP proxy server 106 (see col. 2, lines 10-12, of Li). The WAP proxy server 106 is connected to the mobile cache 100 and directly to the Internet 108 wherein the Internet includes HTML servers 110, WAP servers 112, and/or neighbor caches 114 (col. 2, lines 12-16). The mobile cache 100 includes a user profile database 118 storing one or more user profiles that contain output

preference data specifying the content and layout of the fetched information to be delivered to the user via the wireless device (col. 2, lines 24-29).

When the mobile cache 100 of Li receives a request from the user, it first looks in the user profile database 118 to obtain a user profile for the user making the request (col. 2, lines 29-33). The mobile cache 100 then looks for the requested information on an object database 116 (col. 2, lines 40-43). If the information is found there, the information is output to the user's wireless device according to the preferences in the user profile (col. 2, lines 43-51). If the information is not found in the object database 116, then the mobile cache 100 fetches the information from the Internet and stores it in the object database 116 (col. 2, lines 52-58). The information is then provided to the user according to the user preferences (col. 2, lines 58-61).

The Examiner acknowledged in the Final Office Action dated August 8, 2006, that Li fails to disclose "logic for adjusting content for the particular mobile terminal in the content converter according to the stored characteristics of the mobile terminal", and "sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal", as recited in Applicants' claim 8.

In response to Applicants' arguments, the Examiner alleges that Li discloses that the adjusted content is sent through the data network at point 17. on page 7 of the Office Action. However, Li discloses that the information from an origin server is sent to the mobile cache 100 and stored in the object database 116, after which the dynamic information composer 120 composes the data in accordance with user preferences and layout specified in the user file (col. 2, lines 52-61). According to this section of Li, the adjusted content in not sent back to the Internet 108. Rather, the adjusted content is forwarded from the dynamic information composer 120 to the WAP Device 102 via the WAP Proxy Server 106. The Examiner seems to allege that the link through the Internet is

how Li discloses sending the adjusted content through the Internet. However, the text of Li clearly discloses that the adjusted content is sent to the dynamic information composer 120 which is coupled directly to the WAP Proxy Server 106. From the dynamic information composer 120, there is no motivation whatsoever to send the adjusted content back through the Internet 108, because the dynamic information composer 120 is connected directly to the WAP Proxy Server 106. In view of the above remarks, Li fails to disclose sending the adjusted content to the WAP Proxy Server 106 through the Internet.

Carlino fails to teach or suggest what Li lacks. Carlino discloses a method and system for converting content of electronic data for wireless services. According to Carlino, a content converter 16 is either an integral part of or connected directly to a wireless gateway 14, wherein the wireless gateway 14 is connected to both a computer network 20 and a wireless network (see page 14, line 19 to page 5, line 10; and Fig. 1 of Carlino). The content converter 16 of Carlino is connected to the wireless gateway for converting electronic documents to a format that is usable by the first wireless device 12 (see page 14, lines 7-9; and Fig. 1, of Carlino). In each of the embodiment disclosed by Carlino, the content converter 16 sends data to the wireless gateway 14 and receives data from the wireless gateway 14 (see Fig. 1; and page 14, lines 19-23 of Carlino). Since the content converter 16 of Carlino is either an integral part of or connected directly to the wireless gateway 14, Carlino fails to disclose, teach, or suggest "sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal", as expressly recited in independent claim 8.

It would not be obvious to arrange the content converter of Carlino or the mobile cache of Li so that they are connected via the data network to the gateway because Li teaches that it

is desirable to minimize or reduce network bandwidth or traffic load in the data network, i.e., the Internet.

In response to Applicants' arguments, the Examiner alleges that the sending means recited in independent claim 8 is disclosed at page 33, lines 19-23 of Carlino. However, this portion of Carlino merely states that the converted content is sent via the _mobile_ network. There is no disclosure teaching or suggestion that the converted content is sent from the content converter 16 to the gateway 14 over the data network. Accordingly, independent claim 8 is allowable over Li in view of Carlino.

Independent claims 15 and 16 are also allowable over Li in view of Carlino because each of these claims specifically requires that converted content is sent from the content converter to the gateway over the data network (WAN in claim 15). In contrast, both Li and Carlino disclose a content converter that is directly connected to the gateway or WAP proxy.
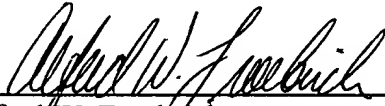
2. Claims 9-14 and 17-23

Claims 9-14 and 17-23, which depend directly from independent claims 8, 15, and 16 incorporate all of the limitations the corresponding independent claim and are therefore patentably distinct over Li and Carlino for at least those reasons provided for claims 8, 15, and 16.

For the foregoing reasons, it is respectfully submitted that the combined teachings of Li and Carlino fail to establish a _prima facie_ case of obviousness with regard to the subject matter recited in claims 8-23. The Final Rejection of the claims 8-23 should be reversed.

## CONCLUSION

For the foregoing reasons, it is respectfully submitted that appellant's appellants' claims are not rendered obvious anticipated by and are, therefore, patentable over the art of record, and the Examiner's rejections should be reversed.

Respectfully submitted,
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## CLAIMS APPENDIX

8.      (Previously Presented) Apparatus for providing data services to mobile devices in a system comprising a data network, at least one content server accessible via the data network, at least one gateway for accessing the data network, a mobile telephone network for communicating between the mobile devices and said at least one gateway, and a content converter separate from the at least one gateway, separate from the at least one content server, and connected to the data network, the apparatus comprising:

a data store associated with the content converter for storing indications of the characteristics of each terminal device;

receiving means at the content converter for receiving content for a particular mobile terminal from said at least one content server, said at least one content server being connected to the data network so that said content converter is directly accessible by said at least one content server through the data network bypassing said at least one gateway;

logic for adjusting content for the particular mobile terminal in the content converter according to the stored characteristics of the mobile terminal; and

sending means for routing the adjusted content through the data network to said at least one gateway for forwarding to said particular mobile terminal.


9.      (Previously Presented) The apparatus of claim 8, wherein the content is in wireless application protocol (WAP) format.

10.    (Previously Presented) The apparatus of claim 9, wherein the data network is a wide-area network (WAN).

11.    (Previously Presented) The apparatus of claim 10, wherein the WAN is the Internet.

12.    (Previously Presented) The apparatus of claim 8, wherein the data store further stores indications of preferences of the user of each terminal device, and wherein the logic adjusts content in accordance with stored preferences of the user.

13.    (Previously Presented) The apparatus of claim 12, wherein the logic adjusts content in accordance with a preference currently entered by the user and stored.

14.    (Previously Presented) The apparatus of claim 12, wherein the logic adjusts content in accordance with a preference previously stored and currently selected by the user.

15.    (Previously Presented) A system for converting a mark-up language file into a format for presentation on a mobile terminal comprising:

a content server connected to a wide area network (WAN) for transmitting a mark-up language file over said WAN;

a content converter connected to said WAN for receiving the mark-up language file over said WAN from the content server, for converting said mark-up language file into a format appropriate for a mobile terminal, and for transmitting the converted mark-up language file over the WAN; and

a gateway between the WAN and a mobile telephone network for receiving the converted mark-up language file from the content converter over the WAN and for transmitting the converted mark-up language file over the mobile telephone network to the mobile terminal;

wherein said content converter is separate and distinct from said content server and from said gateway such that said content converter is directly accessible by said content server through said WAN bypassing said gateway; and

wherein said content converter accesses a database storing the characteristics of the mobile terminal in order to convert the mark-up language file into a format appropriate for the mobile terminal.

16.    (Previously Presented) A method for providing data services to mobile devices in a system comprising a data network, at least one content server accessible via the data network, at least one gateway for accessing the data network, a mobile telephone network for communicating between the mobile devices and said at least one gateway, and a content converter separate from the at least one gateway, separate from the at least one content server, and connected to the data network, said method comprising the steps of:

storing, in the content converter, indications of the characteristics of each terminal device;

receiving, at the content converter, content for a particular mobile terminal from said at least one content server directly through the data network, bypassing the at least one gateway;

adjusting, at the content converter, the received content for the particular mobile terminal according to the stored characteristics of the particular mobile terminal; and

sending the adjusted content from the content converter to the at least one gateway through the data network for forwarding to the particular mobile terminal.

17.     (Previously Presented) The method of claim 16, wherein said step of storing further comprises storing indications of user preferences for each terminal device and said step of adjusting further comprises adjusting the content in accordance with the stored preferences associated with the user of the particular mobile terminal.

18.     (Previously Presented) The method of claim 17, wherein the user enters the user preferences and the entered user preferences are stored in the content converter.

19.     (Previously Presented) The method of claim 17, further comprising the step of selecting by the user the user preferences to be used for said step of adjusting.

20.     (Previously Presented) The method of claim 16, wherein the content is in wireless application protocol (WAP) format.

21.     (Previously Presented) The method of claim 16, wherein the data network is a wide-area network (WAN).

22.     (Previously Presented) The method of claim 21, wherein the WAN is the Internet.

23.     (Previously Presented) The method of claim 8, wherein said content converter is accessible directly through the data network as a network resource bypassing the at least one gateway.

## EVIDENCE APPENDIX

There is no evidence relied upon by the Appellants in this appeal.

## RELATED PROCEEDINGS APPENDIX

There are no pending appeals or interferences related to this application to Appellants'

knowledge.